

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gleave, et al.	
Application No.: 10/646,391	Group Art Unit: 1635
Filed: 8/21/2003	Examiner: Amy Hudson Bowman
Title: Treatment of Melanoma by Reduction in Clusterin Levels	Confirmation No: 9734
Attorney Docket No.: UBC.P-035	
Customer No.: 57381	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL REJECTION

Dear Sir:

This is in response to the Office Action mailed September 18, 2006 for the above-captioned application. Reconsideration is respectfully requested.

The Examiner has maintained the objection to claims 3, 6 and 9 as containing improper Markush groups based on the prior characterization of the different sequences as separate inventions, rather than species. Applicants have filed a petition for review of this restriction requirement and are awaiting a decision.

Claims 1 and 14 stand rejected under 35 USC § 112, first paragraph, for failure to comply with the written description requirement. The basis for the rejection is the fact that claim 1 is not limited to a particular type of therapeutic agent and that claim 14 refers to oligonucleotides generally. The application discloses examples of antisense oligonucleotide and RNAi inhibitors, but the Examiner speculates that someone may someday develop other general types of inhibitors that could be used within the scope of the claim that are not specifically named. Indeed, she acknowledges that these other inhibitors "have not yet been described in the art." Applicants respectfully traverse this rejection.

Applicants attach a copy of a Board of Appeals decision on this issue from a commonly assigned case. While this decision is not a published decision, and therefore is not controlling